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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/598,985	09/18/2007	Tsafrir Ben-Ari	26/846	3003
44596 7590 06/14/2010 DR. MARK M. FRIEDMAN C/O BILL POLKINGHORN - DISCOVERY DISPATCH 9003 FLORIN WAY UPPER MARLBORO, MD 20772				
EXAMINER				
PREVIL, DANIEL				
ART UNIT		PAPER NUMBER		
2612				
NOTIFICATION DATE		DELIVERY MODE		
06/14/2010		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/598,985

Applicant(s)

BEN-ARI, TSAFRIR

Examiner

DANIEL PREVIL

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 April 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/CD)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This application is responsive to communication filed on April 2, 2010.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Philiben (US 6,252,525) in view of Tzidon et al. (US 5,807,109).

Regarding claims 1, 5, 12, 17, Philiben discloses a method for providing on-demand audio information to a pilot of a first aircraft during aerial combat engagement with a hostile aircraft, the method comprising: (b) identifying the pilot-initiated request as either a first request-type or a second request-type (col. 3, lines 51-60); (c) if the pilot-initiated request is identified as the first request-type, retrieving from at least one system of the first aircraft output information relating current flight parameters of the first aircraft (col. 3, lines 50-60); (d) if the pilot-initiated request is identified as the second request-type, retrieving from at least one system of the first aircraft output information relating to current flight parameters of the hostile aircraft (col. 3, lines 51-67); generating a verbal message audible (annunciator in col. 4, line 22) to the pilot containing said output information (col. 4, lines 22-23).

Philiben discloses all the limitation above but fails to explicitly disclose receiving a pilot-initiated request for information.

However, Tzidon discloses receiving a pilot-initiated request for information (col. 5, lines 14-17).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the features of Philiben within the system of Tzidon in order to rapidly and quickly transmit valuable information related to the aircraft pilot's present needs thereby increasing the safety of the system.

Regarding claims 2, 13, 18, Philiben and Tzidon disclose all the limitations set forth 1 and Tzidon discloses wherein the pilot-initiated request is provided by the pilot operating a finger-operated control (fig. 2; col. 3, lines 44-46).

Regarding claims 3, 14, 19, Philiben and Tzidon disclose all the limitations set forth in claim 1 and Tzidon further discloses wherein said finger-operated control is located to be operable from a normal hand position while operating at least one of a hand-held flight control and a hand-held weapon control (fig. 2; col. 5, lines 9-17; col. 6, lines 58-65).

Regarding claim 4, Philiben discloses wherein the pilot-initiated request is identified as a first request-type or a second request-type according to which of a plurality of said finger-operated controls is operated by the pilot (fig. 2, col. 3, and lines 48-67).

Regarding claims 6-7, 15-16, Philiben discloses wherein the information relating to current flight parameters of the first aircraft includes at least two current flight parameters chosen from the group comprising: a current speed of the first aircraft; a current altitude of the first aircraft; and a current attitude of the first aircraft (fig. 2; col. 3, lines 51-67).

Regarding claims 8, 20, Philiben and Tzidon disclose all the limitations set forth in claim 1 and Tzidon discloses wherein the information relating to current flight parameters of the hostile aircraft is derived from a radar system of the first aircraft (col. 4, lines 11-20).

Regarding claims 9, 21, Philiben and Tzidon disclose all the limitations set forth in claim 1 and Tzidon further discloses wherein the information relating to current flight parameters of the hostile aircraft is retrieved via a data communication system from a source remote from the first aircraft (fig. 1-fig. 3; col. 4, lines 11-25).

Regarding claims 10-11, 22-23, Philiben and Tzidon disclose all the limitations set forth in claim 1 and Tzidon further discloses wherein the information relating to current flight parameters of the hostile aircraft includes at least a current speed (fly a predetermined path) of the hostile aircraft (col. 7, lines 13-32).

Response to Arguments

3. Applicant's arguments with respect to claims 1-23 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Berstis et al. (US 6,348,877) discloses method and system for alerting a pilot to the location of other aircraft.

Watson (US 6,512,975) discloses traffic information service (TIS) uplink own aircraft heading correction.

McKinney (US 5,554,990) discloses airspace management system and method.

Barnett (US 5,416,705) discloses method and apparatus for use of alphanumeric display as data entry scratchpad.

Langner et al. (US 6,842,122) discloses customizable cockpit display systems and methods of customizing the presentation of cockpit data.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL PREVIL whose telephone number is (571)272-2971. The examiner can normally be reached on Monday-Thursday. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Benjamin Lee can be reached on (571) 272-2963. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you

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have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DP

June 7, 2010.

/Daniel Previl/

Primary Examiner, Art Unit 2612